

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico



United States of America

v.

Michelle BRESCH

Case No. 21 MJ 1604

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 12, 2021 in the county of San Juan in the
District of New Mexico, the defendant(s) violated:

*Code Section**Offense Description*

Title 18 U.S.C. § 922(a)(6)

Knowingly making false statements in connection with the purchase of a
firearm

This criminal complaint is based on these facts:

See attachement

☒ Continued on the attached sheet.*Complainant's signature*

Katie M. Stamper - ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/27/2021*Judge's signature*City and state: Albuquerque, New Mexico

John E. Robbenhaar, U.S. Magistrate Judge

Printed name and title

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1. Katie M. Stamper, a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, deposes and states:
2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I have been employed with ATF since March of 2020. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Title 18, 21, and 26, United States Code.
3. Through the ATF, I have received specialized training in the enforcement of federal firearms, explosives, and arson laws. My training as an ATF Special Agent includes but is not limited to: (1) the debriefing of defendants, witnesses and informants, as well as others who have knowledge of the purchase, possession, distribution, and transportation of firearms and of the laundering and concealment of proceeds of firearms and drug trafficking; (2) surveillance; (3) analysis and processing of documentary, electronic, and physical evidence; (4) the legal and illegal purchase of firearms; (5) the execution of arrest and search warrants seeking firearms, narcotics, and DNA.
4. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

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PROBABLE CAUSE

1. On July 11, 2021, Michelle BRESCH told Bloomfield Police Department (BPD) that she had purchased firearms for her boyfriend, Joseph Bresch. Michelle BRESCH told BPD that she had purchased seven (7) firearms for Joseph Bresch and one (1) for herself from BIG R, a federal firearm's licensee, located in Bloomfield, NM. Michelle BRESCH told BPD that Joseph BRESCH is a convicted felon out of the State of Nevada for child abuse, and that he was just released from prison last year. Michelle BRESCH also stated to BPD that neither she nor Joseph Bresch still had the firearms, and she was unaware what happened to them.
2. On July 27, 2021, an employee with BIG R advised your affiant that Joseph Bresch and Michelle BRESCH have frequented the store to purchase firearms. The employees informed your affiant that between June 14- July 7, 2021, Michell BRESCH purchased eight (8) firearms from the store. BIG R provided your affiant with the ATF Form 4473 for all the firearms purchased during that time frame. The employees stated to your affiant that all the 4473 forms provided had been filled out by Michelle BRESCH.
3. Your affiant confirmed through the ATF 4473 forms and with BIG R that Michelle BRESCH did in fact purchase a Smith & Wesson model SD9 VE 9mm pistol with serial number FDH5551 on June 14, 2021. On June 20, 2021, Michelle BRESCH purchased a Smith & Wesson model M&P Shield 9 mm with serial number RED1127. On June 22, 2021, Michelle BRESCH purchased a Smith & Wesson model SD9 VE 9mm pistol with serial number FDH9002. On June 23, 2021, Michelle BRESCH purchased a Taurus INT MFG INC model G2S 9mm with serial number ACE922845, a Taurus INT MFG INC model G2S 9mm with serial number ACE922923, and a Smith & Wesson model M&P9 Shield 9mm pistol with serial number RER0929. On July 7, 2021, Michelle BRESCH purchased a Glock model G17 9mm pistol with serial number BTWD467.
4. BIG R employees informed your affiant that on all five (5) of these transactions Michelle BRESCH did in fact fill out and sign these documents inside the store. Question 21a on the ATF Form 4473 is "Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9A)?" Your affiant confirmed that Michelle BRESCH checked the "yes" box on all five (5) 4473 forms. Based off the previous statements Michelle BRESCH made to BPD, she

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was purchasing the firearms for Joseph Bresch rather than for herself. Therefore, Michelle BRESCH made a false statement on the ATF form 4473 when she indicated that she was the actual transferee/buyer of the firearms.

5. Your affiant placed a flag on Michelle BRESCH in the NICS background check system, so that every time Michelle BRESCH was approved to purchase a firearm your affiant would be notified. On August 30, 2021, your affiant was notified that Michelle BRESCH purchased handgun from the Bloomfield Pawn Shop, a federal firearm licensee located in Bloomfield, New Mexico
6. Your affiant entered the firearms previously purchased by Michelle BRESCH into a Firearm Recovery Notification Program, so if any of the firearms purchased by Michelle BRESCH were recovered by law enforcement your affiant would be notified. On September 2, 2021, your affiant received a notification that one the firearms purchased by Michelle BRESCH was recovered by Glendale Police Department in Arizona during the course of a disorderly conduct case. The firearm was recovered off a Kansas resident, T.K.
7. On September 21, 2021, your affiant, along with Task Force Officer (TFO) Jacob C. Courtney, went to the home of Michelle BRESCH and Joseph Bresch located at 1101 N. Kathy Lynn st, Bloomfield NM 87413. During that visit, your Affiant hand delivered a warning letter to Michelle BRESCH that stated she was to stop straw purchasing or she could be prosecuted for a felony. Your affiant explained the letter and why Michelle BRESCH need to stop purchasing firearms and gave her the opportunity to ask any questions. Michelle BRESCH stated she understood and took the letter.
8. On October 12, 2021, Michelle BRESCH purchased a handgun from Sportsman Warehouse. TFO Courtney spoke with the Sportsman's Warehouse worker that made the sale to Michelle BRESCH, and she stated Michelle BRESCH came in on her own and immediately began asking about the 9mm pistols. The employee said Michelle BRESCH acted as though she was unsure on which pistol to purchase. TFO Jacob Courtney saw Michelle BRESCH on surveillance footage looking at firearms then leaving the store to speak to a male inside a late 90s model dark blue sedan. Your affiant saw this same dark blue sedan parked at the residence of Michelle BRESCH and Joseph Bresch on multiple occasions. On October 20, 2021, your affiant saw Joseph Bresch

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drive this vehicle to various locations in Bloomfield, NM. After Michelle BRESCH is seen going back inside the store, TFO Courtney saw on surveillance footage a male entering the store. The male was identified by your affiant to be Joseph Bresch. Your affiant saw Joseph BRESCH on surveillance footage enter the store with a small boy and carrying an infant child in his arms.

9. October 13, 2021, Michelle BRESCH and Joseph BRESCH went to The Bunker, a federal firearm licensee located in Farmington, New Mexico. TFO Courtney spoke with an employee at The Bunker, and they stated that they remembered Michelle BRESCH and Joseph Bresch coming into the store and looking at the handguns they have on display. The employee stated to TFO Courtney that Joseph Bresch was pointing at the firearm he liked and then Michelle BRESCH filled out the ATF form 4473 form so she could purchase a 9mm handgun. Michelle BRESCH and Joseph Bresch then left the store and implied to the employee they would be back for the firearm. On October 14, 2021, Michelle BRESCH called The Bunker to pick up the firearm, and The Bunker employee told Michelle BRESCH the store would not be releasing the firearm to her.
10. The firearms purchased by Michelle BRESCH were identified as the following:
 - Sarsilmaz/fime group model SAR9 9mm pistol with the serial number T1102-21BV71231
 - Smith & Wesson model SD9 VE 9mm pistol with serial number FDH5551
 - Smith & Wesson model M&P Shield 9 mm with serial number RED1127
 - Taurus INT MFG INC model G2S 9mm with serial number ACE922845
 - Taurus INT MFG INC model G2S 9mm with serial number ACE922923
 - Smith & Wesson model M&P9 Shield 9mm pistol with serial number RER0929
 - Smith & Wesson model SD9 VE 9mm pistol with serial number FDH9002
 - Ruger model American .22 LR rifle with serial number 835-42649
 - Glock model G17 9mm pistol with serial number BTWD467
11. The firearms purchased by Michelle BRESCH were identified by your affiant and were determined not to be manufactured in the state of New Mexico, therefore affecting interstate commerce.
12. Your affiant queried the four (4) locations that Michelle BRESCH purchased firearms from, BIG R, Bloomfield Pawn Shop, Sportsman Warehouse and The Bunker they were all determined to be active Federal Firearm Licensees.

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13. Based upon these facts, I believe that there is probable cause to believe that Michelle BRESCH has committed the crime of 18 U.S.C. §§ 922(a)(6), that being knowingly making false statements in connection to purchasing a firearm.

Respectfully submitted,



Katie M. Stamper
Special Agent
ATF

Subscribed and sworn to before me by reasonable electronic means,
on October 27, 2021:



UNITED STATES MAGISTRATE JUDGE